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South Carolina House of Representatives

# Legislative Update

David H. Wilkins, Speaker of the House

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## WEEK IN REVIEW

### HOUSE

The House amended and gave second reading to H.3611, the *South Carolina Comprehensive Infrastructure Development and Financing Act*. This bill establishes an infrastructure planning process to coordinate planning for transportation, water and sewer, and communication systems at the local, regional and state levels, and provides a mechanism for funding the priority projects established through this process. The bill creates a state program and a unit of government - the Division of Regional Development (the DRD) - within the SC Budget and Control Board to coordinate and assist in infrastructure planning at the local, regional and state levels and to coordinate the funding related to infrastructure, and also creates the SC Infrastructure Bank to provide financial assistance for infrastructure projects. The bill outlines the responsibilities and powers of the DRD which include administering the Infrastructure Bank; providing training and other assistance to local governments and Regional Councils of Government to create and develop infrastructure plans; developing a state infrastructure plan from the regional plan; working with and coordinating state agency actions and programs that impact infrastructure development; identifying and coordinating public funds used by State agencies to help support infrastructure development to ensure that funding decisions are consistent with the infrastructure plans; administering the SC Infrastructure Bank.

The bill also establishes the State Council for Regional Development, which serves as an advisory/consultative body to the DRD and which consists of 7 voting members (Chairman of Department of Transportation Commission, Secretary or designee of Department of Commerce, one member appointed by the Governor, two members appointed by the Speaker of the House, two members appointed by the President Pro Tempore of the Senate) and 4 non-voting members (Directors or designees from DHEC, Natural Resources, and PRT, as well as one member selected and recommended by the SC Association of Regional Councils of Government). The Governor selects the Chairman.

The SC Infrastructure Bank will include, but not be limited to, the state highway account, state transit account, federal highway account, and the federal transit account. The bank will also be capitalized by contributions and donations from public or private sources, principal and interest on loans made from the bank, and earnings on the investment of the bank monies. Funds (i.e., state and federal) may not be commingled. Estimates of funding sources for the bank for 1997-98 include: Up to 10% of federal funds (up to \$25 million); one cent of state gas tax (\$20.6 million); interest on highway and economic development funds (\$6 million); and truck licensing fees, effective 1998-99, 3 year phase-in (\$46.7 million). The bank, governed by the Budget and Control Board and administered by the DRD, will be allowed to make loans, issue bonds, enter into contracts, and establish policies and procedures for administering loans and maintaining fiscal control.



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The bill outlines criteria for making loans under the bank. Terms of the loan may not exceed the useful life of the project or 25 years. The State Council for Regional Development and the Division of Regional Development will determine which projects are eligible, and those projects will be submitted to the Joint Bond Committee for review and approval. Upon approval, the Budget and Control Board will approve the list of eligible projects, and instruct the Infrastructure Bank to fund qualified projects. The Board may eliminate, but not add projects. The Board will make use of review criteria which includes, but is not limited to, criteria provided in the bill.

The Regional Councils of Government (COGs) will act as liaison between the political subdivisions and the DRD. They will assist the political subdivisions in creating and developing local comprehensive infrastructure plans and will recommend standards and procedures for developing, preparing and implementing these plans. The COGs will also assist the DRD in planning on the state level and will assist in implementing the state's long-term goals, objectives, and priorities.

Under the bill, the Department of Transportation must survey the state's substandard railroad-owned bridges and estimate the cost of replacing these bridges. The railroads owning these bridges must pay into the Infrastructure Bank's Railroad Replacement Fund an assessment equal to fifty percent of the replacement cost of the bridges. The fund will be expended to replace bridges in accordance with the Department of Transportation's priority listing.

The bill prohibits tolling of existing federal interstates without the approval of the General Assembly.

Several measures received third reading. H.3452 allows jury service which falls during a school term to be postponed for school personnel at institutions of higher learning and K-12 school personnel who directly interact with students, such as teachers and bus drivers. H.3207 prohibits establishments which sell beer, wine, or other alcoholic beverages from conducting drinking games. Violations result in the possible suspension or revocation of alcohol licenses and permits. S.41 adds to the list of traffic violations which constitute child endangerment the failure to stop a motor vehicle when signaled by a law enforcement officer. H.3399 eliminates the requirement that an employer sign the written certification which an employee must show a county registrar to verify that he is obligated to be at his place of employment during polling hours, and is, therefore, qualified to vote by absentee ballot. H.3381 recodifies the enabling statute of the South Carolina Board of Architectural Examiners so as to bring it into conformity with the uniform organizational and administrative framework for professional and occupational licensing boards established for the Department of Labor, Licensing, and Regulation in 1996. H.3439 regulates the sale of " regrooved " and " regroovable " tires by codifying in state law existing federal standards.

## SENATE

S.207, which reinstates bans on video poker payoffs in certain counties, was approved on third reading and sent to the House.

In committee action, Commissioner on Higher Education Fred Sheheen appeared before the Senate Education Committee to address concerns about the administration of the Palmetto Fellows scholarship program. Using funds derived from fees charged at the Barnwell nuclear waste facility, this scholarship program was expanded by the General Assembly in the 1996-97 Appropriation Act with the purpose of recognizing the most academically talented high school seniors in South Carolina and encouraging them to attend college in the State. The budget proviso expanding the program required that the Commission on Higher Education (CHE) promulgate regulations and establish procedures to administer the program and request annual state appropriations for the program. Proposed regulations from CHE have now come to the General Assembly for House and Senate consideration. Recently, legislators, school administrators and teachers, parents, and students have expressed concerns about the process that CHE has used to evaluate the applicants in order to make decisions on scholarship awards - specifically, that the evaluation/ranking process may be too subjective. Other concerns about the program have also been expressed, but the discussion at the Senate Education Committee meeting centered around the evaluation process.

The Palmetto Fellows scholarship program is extremely competitive and awards are currently based on merit and an assessment of multiple criteria. Student financial need is not considered. Qualifying criteria are a PSAT score of 118, an SAT score of 1180, an ACT score of 26, or rank in the top five percent of the student's Junior class. The total pool of qualified applicants for 1997-98 consisted of 2,640 students. 618 of these students received Palmetto Fellows scholarships. Applicants were rated for Personal Achievement (20 points maximum), a Personal Statement (25 points maximum), Academic Record (80 points maximum), and School Recommendation (25 points maximum). An 18 member committee of college scholars and administrators from public and private institutions evaluated the applications. The committee divided into six teams of three each, and each team received approximately 450 applications to review and rate separately. The three separate ratings were reviewed for consistency and then averaged, the average score being used to rank the applicants. Awards were based solely on the scores.

After lengthy discussion, questions and answers, the Senate Education Committee agreed to ask CHE to withdraw the regulations, and to work with a legislative subcommittee to develop alternate regulations which would address the concerns.

Senate Finance subcommittees continued work on the 1997-98 Appropriation Bill. The full committee expects to consider the budget bill, capital reserve and supplemental appropriations, and the Bond Bill beginning April 14 and continuing through April 25. The budget is expected to be taken up for debate by the full Senate the week of May 5-9.



## COMMITTEE ACTION

Most standing committees suspended their proceedings in light of the short legislative week preceding the Easter holidays and the extensive attention paid the Comprehensive Infrastructure Development and Financing Act on the House floor.

### EDUCATION AND PUBLIC WORKS

The Education and Public Works Primary and Secondary Education subcommittee considered four bills. The subcommittee recommended a favorable report with amendment on H.3594. This bill changes the due date from November 15 to December 1 for currently required annual reports to the parents and constituents of school districts, providing information on schools' and school districts' goals and objectives, and the progress on meeting these goals and objectives. The subcommittee recommended an amendment to the bill which would strike all after the enacting words and insert a provision that each school district shall provide the State Department of Education each year with two copies of its audit report, by December 1 following the close of the year. The subcommittee adjourned debate on H.3415, which raises the number of units required for a diploma from 20 to 24. S.361, a joint resolution which provides that certain students for the 1996-97 school year who have an overall passing average are exempt from certain academic course requirements to participate in interscholastic activities, received a favorable recommendation. H.3461, which authorizes parents and other adult school volunteers to ride school buses on a space available basis, received a favorable recommendation with amendment. The proposed amendment limits to four the number of adults who may ride the bus; provides that parents and other adults may ride school buses permitted to deliver special programs that are sponsored by the local school district and the State is not responsible for any associated cost; and provides that the use of these vehicles shall be in accordance with local school district board policies and programs.

## BILLS INTRODUCED

### AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

#### H.3730 NO WAKE ZONES ON HILTON HEAD ISLAND Rep. Mullen

This bill establishes no wake zones on several creeks and coves on Hilton Head Island in Beaufort County.

#### H.3733 SPOTTED SEA TROUT AND RED DRUM Rep. Campsen

This bill removes the current prohibition against gigging for spotted sea trout or red drum between December first and March first.

## EDUCATION AND PUBLIC WORKS

### **H.3725 TRAINING/EVALUATION OF EDUCATORS** Rep. Townsend

**H.3725** amends current law concerning training, certification, and evaluation of public educators. This comprehensive bill states an intent to assure that school districts implement a comprehensive system for assisting, developing, and evaluating teachers employed at all contract levels. The bill provides that college students seeking an undergraduate degree in education may take the basic skills examination four times under certain conditions (currently they make take the exam three times), but if a student has not passed the examination, he may not be conditionally admitted to a teacher education program after December 1, 1996. The bill amends State Board of Education procedures for cognitive assessment for teachers and teacher certification, including a provision that, beginning with the 1997-98 school year, the Assessments of Performance in Teaching (APT) shall no longer be used to evaluate student teachers and shall not be required for evaluating provisional contract teachers. Beginning with the 1998-99 school year, no school district shall use the APT for evaluating provisional contract teachers. The bill provides four contract levels for teachers with differences in the levels delineated in the bill.

### **H.3729 HANDICAPPED PARKING SPACES** Rep. Mullen

This bill provides that a post or wall-mounted placard identifying sign for a handicapped parking space, which is erected after January 1, 1998, must include the fine for unlawful use of a handicapped parking space. The bill specifies how the sign must read, and provides that omission of the fine on a sign is not a defense to prosecution for unlawful use of a handicapped parking space.

### **H.3735 SPECIAL LICENSE PLATES FOR PURPLE HEART RECIPIENTS** Rep. Carnell

This bill revises the fee for the special license plate issued to recipients of the Purple Heart to a one-time fee of eighteen dollars, and provides that if the design of this special plate is changed, a purchaser of the license plate must pay the one-time fee.

## JUDICIARY

### **S.282 IMMUNITY FOR FUNERAL ESCORTS** Sen. Anderson

This bill exempts from liability under the Governmental Tort Claims Act law enforcement departments while they are escorting funeral processions.

### **S.283 SOLICITORS** Sen. Hutto

This bill requires a solicitor to be licensed to practice law by the South Carolina Bar at the time of his election and throughout his term.

### **H.3713 TERMINATION OF ALIMONY** Rep. Wilkins

This bill provides that alimony is terminated upon the continued cohabitation of the supported spouse.



**H.3714 NAME CHANGES UPON DIVORCE Rep. Wilkins**

This bill authorizes the family court to grant a name change following an individual's divorce upon an order of separate maintenance.

**H.3715 SHOOTING RANGE PROTECTION ACT Rep. Klauber**

This bill provides restrictions on when property owners located near a shooting range may bring nuisance actions for noise for pre-existing, newly-constructed, and restarted shooting ranges. County and municipal noise control ordinances may not restrict shooting activities on a range which was established before enactment of the ordinance or in compliance with a previous noise control ordinance. These restrictions do not apply to expansion of activity at a shooting range.

**S.3 POLLING Sen. Leventis**

This bill requires anyone who conducts a poll pertaining to a candidate or political party during the six months prior to a general election to file the name of the poll's sponsor along with the text of the polling question with the State Election Commission on the next working day after the poll is initiated. For polls initiated during the ten days prior to a general election, information must be filed prior to their initiation. A violator is guilty of a misdemeanor and subject to a fine of not more than five hundred dollars or imprisonment for not more than thirty days.

**S.85 RESTITUTION IN MUNICIPAL AND MAGISTRATE'S COURTS Sen. Wilson**

This bill authorizes municipal judges and magistrates to order restitution in an amount not to exceed one thousand dollars, in addition to criminal penalties.

**S.320 IN-LAWS SERVING AS POLL MANAGER OR CLERK Sen. Rose**

This bill prohibits a mother-in-law, father-in-law, brother-in-law, or sister-in-law of a candidate in an election from serving as a manager or clerk at a polling place where the candidate's name appears on the ballot.

**S.331 FORFEITURE OF RECOGNIZANCE IN MAGISTRATE'S COURT Sen. Holland**

This bill authorizes a magistrate to confirm judgements for forfeiture of recognizance of a fine not exceeding two hundred dollars or imprisonment for not more than thirty days, in addition to assessments.

**S.381 STATEMENTS, NOTICES, AND PLEDGES OF CANDIDACY Sen. Holland**

This bill provides that in instances where deadlines for filing statements of intention of candidacy for primaries or notices and pledges of candidacy should fall on a Saturday, Sunday, or legal holiday, the statement, notice, or pledge must be filed on the next day which is not a Saturday, Sunday, or legal holiday.

**H.3728 ANNEXATION ACROSS COUNTY LINES Rep. Mullen**

This bill requires the approval of county council in order for land in the county to be annexed into another county, in all instances where the area to be annexed is less than five thousand acres in size or where the population ration is less than one elector for each ten acres.

## LABOR, COMMERCE AND INDUSTRY

### **H.3717 TOWING AND WRECKER SERVICE PROVIDERS** Rep. Littlejohn

This bill creates the Board of Towing and Recovery to create rules and promulgate regulations governing the towing and vehicle storage industry. The bill makes various specifications for rules and regulations which the Board must promulgate.

### **H.3724 TELEMARKETING-FREE TIME ZONE ACT** Rep. Hodges

This bill prohibits unsolicited consumer telephone calls after six o'clock p.m., rather than the current eight o'clock p.m.

### **H.3726 MONEY ORDER ACT** Rep. Stuart

This bill provides for businesses selling money orders to be regulated and licensed by the Board of Financial Institutions. Licensing requirements and fees and requirements of financial surety are established. The board's authority to examine and penalize businesses is specified.

## MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

### **H.3734 DISTRIBUTION OF CONTRACEPTIVES** Rep. Campsen

This bill would prohibit the Department of Health and Environmental Control or any other state agency from distributing condoms or other types of contraceptives to a person under the age of 16 without the written consent of a parent, guardian, or one acting *in loco parentis*.

## WAYS AND MEANS

### **H.3716 BIENNIAL STATE APPROPRIATION ACT** Rep. Inabinett

This bill provides that, beginning with its 1999 session, the General Assembly shall enact a biennial state general appropriations act.

### **H.3719 LOCAL SALES AND USE TAX REFERENDUMS** Rep. Young-Brickell

This bill provides that, after a total of three referendums in which a majority "no" vote has been certified on the question of implementing local option sales and use tax within a county, no further referendum may be held except upon a petition requesting the referendum filed with the county election commission, containing the signatures of at least 15% of the qualified electors of the county.

### **H.3727 SALES AND USE TAX EXEMPTIONS** Rep. Cromer

This bill amends the current Sales and Use Tax Act so as to provide that the term "gross proceeds of sales" does not include the purchase price paid at the end of the term of a consumer automobile lease if the sales tax has already been paid on the lease pursuant to current Sales and Use Tax Act provisions.

### **H.3731 STATE EMPLOYEE SALARIES** Rep. Knotts

This bill provides that a classified state employee whose annual salary exceeds \$75,000 is ineligible to receive any base pay increase, but if the employee's annual review score is



"exceeds" or higher, the employee is eligible for an annual bonus of not more than \$1,000.00. Also, an unclassified agency executive is ineligible to receive any base pay increase, but the executive is eligible for an annual "initiative bonus" of not more than \$1,000.00 with the approval of the executive's employing authority. The bill also provides that an agency head whose salary is subject to the review of the Agency Head Salary Commission is ineligible to receive a base pay increase provided for all permanent state employees, and a vacancy in a position subject to Agency Head Salary Commission review must be filled at the minimum salary for that position.

**H.3732 APPLICATION OF INTERNAL REVENUE CODE TO**  
**STATE TAX LAWS Rep. Campsen**

This bill updates the reference date whereby South Carolina adopts various provisions of the federal Internal Revenue Code and other matters relating to federal income conformity, and allows a taxpayer to elect a 1985 reference date with respect to certain corporate liquidations.

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**FOOTNOTE**

The *Legislative Update* is on the Worldwide Web. Visit the South Carolina General Assembly Home Page ([WWW.LPITR.STATE.SC.US](http://WWW.LPITR.STATE.SC.US)) and click on the "Quick Find Guide." On the next screen, click on "*Legislative Update*." This will list all of the *Legislative Updates* by date. Click on the date you need.